

**ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION  
JOHN MAUZY PITTMAN, CHIEF JUDGE  
DIVISION IV**

CA06-880

January 31, 2007

|                           |           |                        |
|---------------------------|-----------|------------------------|
| SHELDA FOUST              |           | APPEAL FROM THE BENTON |
|                           | APPELLANT | COUNTY CIRCUIT COURT   |
|                           |           | [NO. J-05-278]         |
| V.                        |           |                        |
| ARKANSAS DEPARTMENT OF    |           | HON. JAY T. FINCH,     |
| HEALTH AND HUMAN SERVICES |           | JUDGE                  |
|                           | APPELLEE  | AFFIRMED               |

This is an appeal from an order terminating appellant's parental rights to two children under the age of ten years, I.F. and S.C. Appellant's counsel has filed a no-merit brief pursuant to *Linker-Flores v. Arkansas Department of Human Services*, 359 Ark.131, 194 S.W.3d 739 (2004), requesting to be relieved as counsel.<sup>1</sup> The clerk of this court sent a

---

<sup>1</sup>In *Linker-Flores*, the supreme court described the procedure for withdrawing as counsel from a termination-of-parental-rights appeal: "[A]ppointed counsel for an indigent parent on a first appeal from an order terminating parental rights may petition this court to withdraw as counsel if, after a conscientious review of the record, counsel can find no issue of arguable merit for appeal. Counsel's petition must be accompanied by a brief discussing any arguably meritorious issue for appeal. The indigent parent must be provided with a copy of the brief and notified of her right to file points for reversal within thirty days. If this court determines, after a full examination of the record, that the appeal is frivolous, the court may grant counsel's motion and dismiss the appeal." Subsequently the supreme court elaborated on the reviewing court's role in reviewing a

certified copy of appellant's brief and the motion to be relieved to appellant, informing her that she had the right to file *pro se* points for reversal under Ark. Sup. Ct. R. 4-3(j)(2). Appellant has not submitted *pro se* points for appeal.

Counsel's motion was accompanied by a brief listing all adverse rulings made at the termination hearing and explaining why there is no meritorious ground for reversal to each ruling, including a discussion of the sufficiency of the evidence to support the termination order based on evidence presented at all the prior proceedings that were incorporated in the record of the termination proceeding, as required by *Lewis v. Arkansas Department of Human Services*, 364 Ark. 243, \_\_\_ S.W.3d \_\_\_ (2005).

After carefully examining the record, we find that counsel has complied with the requirements established by the Arkansas Supreme Court for no-merit motions in termination cases, and we hold that the appeal is wholly without merit. Consequently, we grant counsel's motion to withdraw and affirm the order terminating appellant's parental rights.

Affirmed.

GRIFFEN and VAUGHT, JJ., agree.

---

petition to withdraw in a termination-of-parental-rights appeal, holding that, when the trial court has taken the prior record into consideration in its decision, a "conscientious review of the record" requires the appellate court to review all pleadings and testimony in the case on the question of the sufficiency of the evidence supporting the decision to terminate, and that only adverse rulings arising at the termination hearing need be addressed in the no-merit appeal where there has been no appeal from the prior orders in the case. *Lewis v. Arkansas Department of Human Services*, 364 Ark. 245, \_\_\_ S.W.3d \_\_\_ (2005).

